

LICENSING SUB COMMITTEE

29 October 2018
10.00 am - 12.00 pm

Present: Councillors Bird, Gawthrope (Chair) and Holt

Officers

Senior Technical Officer: Luke Catchpole
Licensing Enforcement Officer: Trisha Kaye
Legal Advisor: Paul Weller
Committee Manager: Sarah Steed

Present for the Applicant

Licensing Manager Tesco: Hardish Purewal
Store Manager Hills Road: Michael Fitzsimons
Solicitor BCLP: Jeremy Bark

FOR THE INFORMATION OF THE COUNCIL

18/1/Lic Appointment of a Chair

Councillor Gawthrope was appointed as Chair for the meeting.

18/2/Lic Declarations of Interest

No declarations of interest were made.

18/3/Lic Meeting Procedure

All parties noted the procedure.

18/4/Lic Tesco, Hills Road, Hearing Report

The Licensing Enforcement Officer presented the report and outlined the application.

In response to Member's questions the Senior Technical Officer confirmed that no complaints had been made to the Licensing Authority regarding the Tesco store on Hills Road.

Applicant

Mr Bark made the following points:

- i. He would talk about what Tesco was about, go through the policies Tesco had in place and then summarise his points.
- ii. He referred to the Cumulative Impact Policy and the test which was contained within paragraph 5.10. He explained that this was in fact a two stage test.
- iii. Each application should be judged on its own merits.
- iv. The existing premises licence was one of the old converted Magistrates issued licences.
- v. The store's opening hours were 6am until 11pm, the application sought to align the ability to sell alcohol with the store's opening hours.
- vi. Tesco Express was a convenience store, alcohol sales equated to 7-9% across the country.
- vii. 95% of sales of alcohol were linked to other goods.
- viii. The customers for this store were people who worked or lived in the area.
- ix. During 6-7am less than 0.1% of customers purchased alcohol during this time period. The application was about flexibility.
- x. To a certain extent the Police were the guardians of the Cumulative Impact Policy (as they had requested the policy). There were no objections from the Police to the variation application.
- xi. Tesco wanted to be at the forefront of best practice:
 - a) they had a good neighbour policy
 - b) there had been no incidents logged by the Council since the premises opened in 2005.
 - c) They had a think 25 policy, they were the first company to introduce the policy back in 1999 (at that time it was a think 21 policy).
- xii. If an age restricted product was scanned at the till, it required a member of staff to override this either by confirming that ID was shown or that the person was clearly over 25. The till would also display the date of birth for a person would be 18 on that date, so that it was easy for staff to carry out an ID check.
- xiii. Tesco undertook their own mystery shopping checks, using 18/19 year olds. They cannot use children younger than 18 as only Trading Standards and the Police have powers to do so. These checks were undertaken monthly.
- xiv. Safe and Legal checks were carried out quarterly, this included checking premises were complying with their conditions and this would be signed off by Store Managers.
- xv. Tesco had more people in senior / middle management roles from people who started working on the shop floor than other companies.

- xvi. All staff members received training on age restricted products this was refreshed yearly and at busy periods during the year.
- xvii. All Managers had conflict training so they had the right tools to deal with situations involving conflict.
- xviii. Tesco operated a 'you say no, we say no' policy to support members of staff who refused to sell age restricted products to customers.
- xix. There was always CCTV in stores and there would always be a fixed camera on the entrance, tills and alcohol displays.
- xx. Tesco put a lot of thought into the layout of stores and spirits were always located behind tills.
- xxi. Tesco recycled 90% of its waste.
- xxii. Deliveries took place between 6-7am.
- xxiii. There were two litter bins outside the Tesco store and customers were encouraged to use them.
- xxiv. There were 27 members of staff and there would always be one Manager on site and two members of staff.
- xxv. The store was less than 3000 sq feet.
- xxvi. He referred to conditions agreed with the police on p51 of the committee agenda.
- xxvii. Tesco expected customers to behave themselves in the store, if they didn't they would be asked to leave and if they still persisted with anti-social behaviour they would be banned from the store and images of the individual/(s) would be provided to the Police.
- xxviii. The area around the store has had anti-social behaviour issues but this was improving.
- xxix. The store manager had been in post for 14 months and had only called the police once in relation to an incident of theft which did not involve alcohol.

Applicant

In response to Member's questions Mr Bark made the following points:

- i. All members of staff had training and did not sell alcohol to people who appeared to be under the influence of alcohol. There will always be a Manager in the store and if the situation requires it the Police would be called. Tesco had many stores in cumulative impact areas.
- ii. At Tesco's Head Office there was a specialist team of ten people who just dealt with licensing.
- iii. A security guard was present from 3pm until close; if a need for a security guard was identified outside of these hours then they would be put in place. They preferred a flexible approach so that they could

- respond to particular circumstances; this was linked into Tesco's system of constant evaluation.
- iv. When Tesco converted the old Magistrates issued alcohol licence, they did not consider at the time to amend the licensing hours. Times had moved on so Tesco now wanted to align the opening hours with the licensing hours.
 - v. No statutory authority had objected to the application.
 - vi. If a significant problem arose then the licence could always be reviewed.
 - vii. The Store Manager had been with Tesco between 14-15 years, he met with the security guard manager every four weeks to discuss security provision. There may be occasions for example Freshers' Week when extra security provision would be required.
 - viii. It was expected if the variation application was granted that only 0.1% of customers would purchase alcohol during the varied licensing hours.

The Legal Officer reminded Members of the written representation and commented that the fact that the person who had made the representation was not present at the meeting did not affect the weight given to the representation.

Members withdrew and returned at 11:40am. Whilst retired, and having made their decision, Members received legal advice on the wording of the decision.

Decision

The Sub Committee resolved to grant the application under s34 of the Licensing Act 2003 to vary the Premises Licence issued in respect of Tesco 29-33 Hills Road Cambridge as applied for to include the conditions agreed between the Licensed Premises and the Police in advance of the hearing contained in Appendix D of the committee agenda.

The Sub Committees reasons for reaching the decision are as follows:

The proposed conditions as agreed by the Licensed Premises and the Police address the Licensing Objectives.

The meeting ended at 12.00 pm

CHAIR